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SOFTVAULT SYSTEMS, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

SOFTVAULT SYSTEMS, INC., Plaintiff, vs. BOXTONE, INC. and XEROX CORPORATION, Defendants.	CASE NO. **COMPLAINT FOR INFRINGEMENT OF U.S. PATENT NOS. 6,249,868 AND 6,594,765** **JURY TRIAL DEMANDED**

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Plaintiff SOFTVAULT SYSTEMS, INC. files its Complaint against Defendants BOXTONE, INC. and XEROX CORPORATION, alleging as follows:

THE PARTIES

1.   Plaintiff SOFTVAULT SYSTEMS, INC. ("SoftVault") is a corporation organized and existing under the laws of the State of Washington with its principle place of business in the State of Washington.

2.   Upon information and belief BOXTONE, INC. ("BOXTONE") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Columbia, MD. BOXTONE may be served with process through its registered agent Pauline A. Constantino at Suite 100, 8825 Stanford Boulevard, Columbia, MD.

3.   Upon information and belief, XEROX CORPORATION ("XEROX") is a corporation organized and exiting under the laws of New York, with its principal place of business in Norwalk, CT. XEROX may be served with process through its registered agent Corporation Service Company at 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA.

JURISDICTION AND VENUE

4.   This is an action for infringement of United States patents. This Court has exclusive jurisdiction of such action under Title 28 U.S.C. § 1338(a).

5.   Upon information and belief, BOXTONE and XEROX are subject to personal jurisdiction by this Court. BOXTONE and XEROX have committed such purposeful acts and/or transactions in the State of California that they reasonably knew and/or expected that they could be hailed into a California court as a future consequence of such activity. BOXTONE and XEROX make, use, and/or sell infringing products within the Northern District of California and have a continuing presence and the requisite minimum contacts with the Northern District of California, such that this venue is a fair and reasonable one. Upon information and belief, BOXTONE and XEROX have transacted and, at the time of the filing of this Complaint, are continuing to transact business within the Northern District of California. For all of these reasons, personal jurisdiction exists and venue is proper in this Court under 28 U.S.C. §§ 1391(b)(1), (2) and (c)(2) and 28 U.S.C. § 1400(b).

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PATENTS-IN-SUIT

2   6.   On June 19, 2001, United States Patent No. 6,249,868 BI ("the '868 Patent") was

3   duly and legally issued for "METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,

4   COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX

5   SYSTEMS." A true and correct copy of the '868 Patent is attached hereto as Exhibit A and

6   made a part hereof.

7   7.   On July 15, 2003, United States Patent No. 6,594,765 B2 ("the '765 Patent") was

8   duly and legally issued for "METHOD AND SYSTEM FOR EMBEDDED, AUTOMATED,

9   COMPONENT-LEVEL CONTROL OF COMPUTER SYSTEMS AND OTHER COMPLEX

10 SYSTEMS." A true and correct copy of the '765 Patent is attached hereto as Exhibit B and

11 made a part hereof.

12   8.   The '868 Patent and the '765 Patent are sometimes referred to herein collectively

13 as "the Patents-in-Suit."

14   9.   As it pertains to this lawsuit, the Patents-in-Suit, very generally speaking, relate to

15 a method and system of protecting electronic, mechanical, and electromechanical devices and

16 systems, such as for example a computer system, and their components and software from

17 unauthorized use. Specifically, certain claims of the '868 and '765 Patents disclose the

18 utilization of embedded agents within system components to allow for the enablement or

19 disablement of the system component in which the agent is embedded. The invention disclosed

20 in the Patents-in-Suit discloses a server that communicates with the embedded agent through the

21 use of one or more handshake operations to authorize the embedded agent. When the embedded

22 agent is authorized by the server, it enables the device or component, and when not authorized

23 the embedded agent disables the device or component.

FIRST CLAIM FOR RELIEF

(Patent Infringement)

26   10.   SoftVault repeats and realleges every allegation set forth above.

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11.   SoftVault is the owner of the Patents-in-Suit with the exclusive right to enforce the Patents-in-Suit against infringers, and collect damages for all relevant times, including the right to prosecute this action.

12.   Upon information and belief, BOXTONE is liable under 35 U.S.C. §271(a) for direct infringement of the Patents-in-Suit because it manufactures, makes, has made, uses, practices, imports, provides, supplies, distributes, sells, and/or offers for sale products and/or systems that practice one or more claims of the Patents-in-Suit.

13.   More specifically, BOXTONE infringes the Patents-in-Suit because it makes, uses, sells, and offers for sale products and systems which prevent unauthorized use of a computer system through the ability to enable or disable the operation of a device's components through an authorization process performed by an embedded agent in the component device and a server. By way of example only, BOXTONE'S Mobile Device Management (MDM) system, at a minimum, in the past directly infringed and continues to directly infringe at least claims 1 and 44 of the '868 Patent, as well as at least claim 9 of the '765 Patent.

14.   BOXTONE'S Mobile Device Management (MDM) system includes the capability to enable or disable a mobile device, such as a laptop or smart phone or other "mobile endpoints", to prevent misuse of the system by rogue devices and/or rogue servers. The BOXTONE Mobile Device Management (MDM) system contains an agent with "deep hooks" into a mobile device and that "extends the set of native operating system controls" within the device in which it is installed and embedded and communicates a remote BOXTONE server. This communication includes a series of message exchanges, memorialized by "certificate authentication of both the device and the server", constituting a handshake operation between the BOXTONE server and the BOXTONE embedded agent of the Mobile Device Management (MDM) system. Through these exchanges the server and the embedded agent mutually authenticate one another, resulting in the authorization of a device in which the BOXTONE agent is embedded. When the agent is authorized by the server, the mobile device operates normally and when the agent is not authorized, the mobile device is remotely locked, wiped, and/or disabled.

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15.   XEROX infringes the patents through use and/or sales of the Boxtone Mobile Device Management (MDM) system.   By way of example only, XEROX therefore, at a minimum, in the past directly infringed and continues to directly infringe at least claims 1 and 44 of the '868 Patent, as well as at least claim 9 of the '765 Patent. The allegations of ¶¶ 13-14 are hereby specifically incorporated by reference with respect to XEROX's infringement of the Patents-in-Suit.

16.   BOXTONE and XEROX have had actual notice of the Patents-in-Suit at least as early as the filing of this Complaint.

17.   SoftVault has been damaged as a result of BOXTONE and XEROX's infringing conduct. BOXTONE and XEROX are, thus, liable to SoftVault in an amount that adequately compensates SoftVault for their infringement, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

PRAYER FOR RELIEF

SoftVault requests that the Court find in its favor and against BOXTONE and XEROX, and that the Court grant SoftVault the following relief:

a.   Judgment that one or more claims of the Patents-in-Suit have been infringed, either literally and/or under the doctrine of equivalents, by BOXTONE and XEROX;

b.   Judgment that BOXTONE and XEROX account for and pay to SoftVault all damages to and costs incurred by SoftVault because of their infringing activities and other conduct complained of herein;

c.   That BOXTONE and XEROX, its officers, agents, servants and employees, and those persons in active concert and participation with any of them, be permanently enjoined from infringement of the Patents-in-Suit. In the alternative, if the Court finds that an injunction is not warranted, SoftVault requests an award of post judgment royalty to compensate for future infringement;

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d. That SoftVault be granted pre-judgment and post-judgment interest on the

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damages caused to it by reason of BOXTONE and XEROX's infringing activities

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and other conduct complained of herein;

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e. That this Court declare this an exceptional case and award SoftVault its

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reasonable attorney's fees and costs in accordance with 35 U.S.C. § 285; and

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f. That SoftVault be granted such other and further relief as the Court may deem just

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and proper under the circumstances.

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JURY DEMAND

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Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil

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Procedure.

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DATED: March 12, 2014.   /s/ Benedict O'Mahoney

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